

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.) No. 2:13-CR-076
)
JAMES CARROL HICKMAN)

MEMORANDUM AND ORDER

This case is before the court on the defendant's motion for a continuance of his December 2, 2014 trial date [doc. 124]. Defense counsel advises that both he and the prosecuting attorney are scheduled for oral argument before the Sixth Circuit Court of Appeals on that date. The defendant accordingly requests a two-day continuance.

The court finds that the ends of justice served by granting the motion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). In particular, the court finds that the failure to grant the motion would unreasonably deny continuity of counsel for both parties. 18 U.S.C. § 3161(h)(7)(B)(iv). The motion requires a delay in the proceedings. Therefore, all the time from the filing of the motion to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A).

The defendant's motion [doc. 124] is **GRANTED**, and this criminal case is **CONTINUED** to Thursday, **December 4, 2014, at 10:00 a.m.** A pretrial hearing in light of *Missouri v. Frye*, 132 S. Ct. 1399 (2012), and *Laffler v. Cooper*, 132 S. Ct. 1376 (2012), is **SET** for 9:45 a.m. that same day.

IT IS SO ORDERED:

ENTER:

s/ Leon Jordan
United States District Judge